

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Complaint

of

ENERGETIC TANK, INC., as Owner
of the M/V ALNIC MC, for
Exoneration from or Limitation
of Liability

No. 18-CV-1359 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Before the Court are the letters filed by Petitioner, (dkt. nos. 599, 601, 604), and by counsel for Claimant Delando Beckford, (dkt. nos. 600, 607), regarding the timely completion of Mr. Beckford's psychiatric independent medical examination ("IME") as previously ordered by the Court. (See dkt. no. 570.)

The Court notes that on May 22, 2024, it ordered Mr. Beckford to complete his psychiatric IME no later than July 31, 2024, else he would risk dismissal from the above-captioned case for failure to pursue his claim. (See id. at 1.) Mr. Beckford failed to complete his psychiatric IME in a timely manner, although he did timely complete the psychological testing that the Court imposed in the same order. However, the parties have explained the logistical complications and miscommunications that led to Mr. Beckford's failure to complete his psychiatric IME, including Mr. Beckford's counsel's lack of knowledge of his specific whereabouts on the date he was scheduled to complete the IME and

the licensing issues Petitioner's psychiatric expert raised about conducting the IME while she was in the United States and Mr. Beckford was in Jamaica.

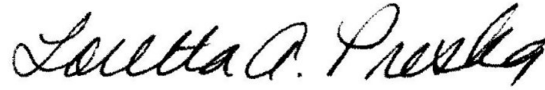
Mr. Beckford has since returned to active duty in Spain and, according to his counsel, is available on September 28, 2024, to complete his psychiatric IME. Given Petitioner's previous indication that it could arrange for a psychiatric IME in Cadiz, Spain, (see dkt. no. 552 at 2), the Court presumes the licensing complications that prevented Mr. Beckford from undergoing the psychiatric IME in Jamaica will not prevent its expert from completing the IME with Mr. Beckford in Spain. The Court is cognizant, however, that Mr. Beckford has previously and repeatedly failed to accommodate Petitioner's arrangements for a psychiatric IME in Spain. (See id.)

Accordingly, Petitioner and counsel for Mr. Beckford shall arrange for Mr. Beckford to complete his psychiatric IME at a location in or near Cadiz, Spain, or Rota, Spain, no later than September 28, 2024. Mr. Beckford's failure to complete his psychiatric IME by that date will result in his dismissal from the above-captioned case with prejudice.

The Clerk of the Court is respectfully directed to close docket entry numbers 551 and 552.

SO ORDERED.

Dated: September 13, 2024
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style.

LORETTA A. PRESKA
Senior United States District Judge